No.1187 Registered No. N. E. 930.

TRIPURA GAZETTE

Published by Authority

EXTRAORDINARY ISSUE

Agartala, Monday, November 19, 2018 A. D., Kartika 28, 1940 S. E.

PART--I-- Orders and Notifications by the Government of Tripura, The High Court, Government Treasury etc.

GOVERNMENT OF TRIPURA
FINANCE DEPARTMENT
(EXCISE & TAXATION)

NOTIFICATION

No.F.II-5(4)-EX/ 18 Dated, Agartala, 19 / 11 /2018.

In exercise of the powers conferred under Sub-section (1) of the Section 88 of the Tripura Excise Act, 1987 (Tripura Act No.12 of 1987), the Governor hereby makes the following rules, further to amend the Tripura Excise Rules, 1990 :-

1. **Short title and commencement :-**

(i) This Rules may be called the "Tripura Excise (Fifteenth Amendment) Rules, 2018";

(ii) They shall come into force on and from the date of their publication in the Tripura Gazette.

2. **Amendment of Rule 3 :-**

(i). In the 'Principal Rules', for the existing Rule 3, after clause (h), the following new clause shall be inserted –

"(ha)Additional licence fee is kind of privilege fee based on offer and acceptance that allow the licensee of wholesale foreign liquor vends to sell country liquor from their premises and vice versa for licensee of wholesale country liquor vends to sell foreign liquor from their premises.

Additional licence fee for wholesale warehouse with or without bond for supplying packaged liquor to retail country liquor shops shall be prescribed from time to time by the Excise Commissioner with approval of the Government; "

(ii). In Rule 3 of the Tripura Excise Rules, 1990 (hereinafter referred to as the 'Principal Rules'), after clause (i), the following new clause shall be inserted-

"(ia) Country liquor shall be deemed as –

(i) Country spirit, that is

(a) spirit of strength lower than forty degrees over proof manufactured from molasses, gur, mahua, rice or any other materials approved by the State Government, which is issued for consumption as potable alcoholic liquor and is not deemed to be foreign liquor, and

(b) Blend of specific strength of spirit defined in Rule 3(q) of the Tripura Excise Rules, 1990 with demineralised water and any kind of flavour, if allowed, as prescribed by the Excise Commissioner time to time as per Section 3 of the Tripura Excise Act 1987.

(ii) tari as defined in Section 2(x) of the Tripura Excise Act 1987, and

(iii) all fermented liquors made from mahua, rice, millet or other grain according to indigenous processes including pachwai as defined in Section 2(r) of the Tripura Excise Act, 1987;"

(iii). In the 'Principal Rules', clause(q) of Rule 3 shall be substituted by the following:-

"(q) Plain Spirit means raw spirit of strength of not less than 50 degrees over proof to which no flavour has been communicated and to which no flavouring or colouring matter or other material or ingredient has been added. Plain spirit of different grades based on multiple distillation and purities are found - (i) Rectified Spirit (RS) and (ii) Extra Neutral Alcohol (ENA);"

(iv). In Rule 3 of 'Principal Rules', after clause (xa), the following new clause shall be inserted -

"(xb) Warehouse is a licensed premises for deposit and storage of spirit/packaged foreign liquor/ packaged country liquor with or without payment of duty.

The warehouse may be of following types -

(i) Spirit bonded warehouse attached to distillery or manufacturing unit, (ii) Bonded warehouse attached to manufacturing unit for storage of packaged Foreign Liquor/Country Liquor for supply to wholesale warehouse, (iii) Bonded warehouse for storage of packaged Foreign Liquor/Country Liquor for supply to retail shops, (iv) Wholesale warehouse for storage of packaged Foreign Liquor/Country Liquor for supply to retail shops;"

3. Amendment of Rule 52 :-

In Rule 52 of the 'Principal Rules', after Sub-Rule (6), the following new Sub-Rule shall be inserted:-

"(7).Licences for bottling of country spirit shall be granted by the Excise Commissioner for a term of three consecutive years or for any shorter period commencing from the first April or from any other date as may be specified by the State Government from time to time on prepayment of annual licence fees as may be prescribed by the State Government from time to time."

4. Insertion of Rule 84A:-

In the 'Principal Rules', after Rule 84, a new Rule 84A shall be inserted as follows:-

"84A.**Separate licence necessary for manufacture of country liquor for sale and for compounding or bottling:** Contractors, distillers or licensees of warehouses who desire to manufacture country liquor for sale shall take out separate vend licenses."

5. Amendment of Rule 85 :-

In the 'Principal Rules', for the existing Rule 85, the following shall be substituted namely:-

"85.Manufacturer of foreign liquor shall have following category of licence covering all units of privilege to fulfill the purpose for which it is established.

(i) Bottling licence
(ii) Blending and compounding licence
(iii)Warehousing licence
(iv)Vending licence

Manufacturer of country liquor shall have following category of licence covering all units of privilege to fulfil the purpose for which it is established.

(i) Bottling licence
(ii) Blending
(iii) with or without Compounding licence or both
(iv)Warehousing licence
(v) Vending licence

All processes connected with the bottling, flavouring, reducing or colouring of liquor, in respect to which it is related, shall be conducted under the supervision of the officer-in-charge in a separate building within the distillery or warehouse enclosure."

6. Amendment of Rule 103 :-

In the 'Principal Rules', the existing Rule 103, the following shall be substituted namely:-

"103. **Separate warehouse for reduction and issue at Distillery or manufacturing unit**: Reduction of strength while making country liquor shall be made in the spirit warehouse of distillery or the manufacturing unit where bottling may be carried out and issue of the packaged country liquor shall be made from the separate bonded warehouse attached to the manufacturing unit for supply to the wholesale warehouse of packaged country liquor with or without bond as may be prescribed by the Excise Commissioner time to time for supply to the retail shops."

7. Amendment of Rule 104 :-

In the 'Principal Rules', for the existing Rule 104, the following shall be substituted namely:-

"104. **Minimum quantity of country spirit to be issued from a distillery or warehouse :** Supply of country liquor shall be made in intact packaged and shall not be less than 12 Bulk Litre or any specified volume of London Proof Litre as may be determined time to time by the Excise Commissioner in regard to the Rule 208."

8. Amendment of Rule 105 :-

In the 'Principal Rules', for the existing Rule 105, the following shall be substituted namely:-

"105. **Bottling licence does not cover compounding or blending:** The holder of a bottling licence shall not add water or alter strength of spirit to be bottled until and unless he holds blending licence."

9. Amendment of Rule 155A :-

In the 'Principal Rules', the existing Rule 155A, shall be substituted with the following:-

"155A(1) Subject to the other provisions of these rules, the provisions of rule 154(2), 154(4) and 155 shall mutatis mutandis be applied for a bonded warehouse for foreign liquor.

(2).Supply of packaged country liquor to retail licensees shall be made either from the foreign liquor wholesale warehouse/wholesale bonded warehouse specially licensed on payment of Additional Licence Fee in this behalf or from a wholesale warehouse with or without bond of packaged country liquor particularly settled in this purpose following the provisions of these rules.

(3).The number of licensed supplier or which category of wholesale licence shall be prevailed for supply of packaged country liquor to the retail licensees shall be determined by the Government time to time."

10. Amendment of Rule 175 :-

In the 'Principal Rules', for the existing Sub Rule(1) of Rule 175, the following shall be substituted namely:-

"(1). Unless otherwise ordered by the Excise Commissioner in any particular case, regular, separate and accurate accounts shall be maintained by all persons holding licenses for the manufacture or any kind of vend (retail or warehouse) of any intoxicant and by manufacturing chemists licensed to use in the manufacture of drugs, medicines or chemicals, rectified spirit manufactured in India, in such form as may be prescribed by the Excise Commissioner from time to time except by persons holding licenses for the home brewing of pachwai."

11. Amendment of Rule 188:-

In the 'Principal Rules', for the existing Rule 188, the following shall be substituted namely:-

"188.**Report on arrival of consignment of foreign liquor or country liquor** : The holder of a licence for the vend of foreign liquor or country liquor shall report to the Collector the arrival of a consignment of such liquor within seven days of its receipt and at least 48 hours before it is opened, stating the description and quantity of such liquor received."

12. Amendment of Rule 188 A:-

In the 'Principal Rules', for the existing Rule 188, the following shall be substituted namely:-

"188-A. Unless the Collector with the previous approval of the Excise Commissioner otherwise directs, no holder of a licence for the sale of foreign liquor or country liquor shall receive, store or have in his possession any quantity of foreign liquor or country liquor except under the valid Excise pass issued by a competent authority, and the quantity entered in such a pass shall, in any particular case be taken as the quantity received for the purpose of maintenance of accounts as mentioned in Rule 175."

13. Amendment of Rule 189 :-

In the 'Principal Rules', for the existing Rule 189, the following shall be substituted namely:-

"189.**Sale of foreign liquor or country liquor by 'off' license to be only in sealed and capsuled bottles**: The holder of licence for the retail sale of foreign liquor or country liquor for consumption 'off' the premises shall not sell such, liquor except in sealed and capsuled bottles, having their seals and capsules intact, and shall not alter either the nature of the liquor or the labels under which he purchased it :

Provided that bottles opened by a competent Excise officer for purposes of test may, if re-sealed by such Excise officer, be sold by the holder of the licence;

Provided that the Foreign Liquor and Country Liquor to be sold should contain the statutory warning and invariably printed in the label of each bottle.

(i) Consumption of liquor is injurious to health
(ii) The warning at point (i) above to be typed in Kokborok and Bengali language also.
(iii) Not for sale to persons below 21 years of age
(iv) For sale in Tripura only" for the country liquor for sale in Tripura. "

14. Insertion of Rule 208 A :-

In the 'Principal Rules', after Rule 208, the following new Rule 208A shall be inserted:-

"208-A. **Spirits to be issued only at prescribed strengths:** Country spirit shall only be issued at specific strength prescribed by the Excise Commissioner time to time. Half a degree above or below the prescribed strength shall be considered as correct, but the exact strength must be recorded on the cask ticket which must be attached at the time of issue to every cask. The Officer-in-charge must see that a sufficient stock of liquor reduced to the prescribed strength is always kept ready for issue."

15. Amendment of Rule 210 :-

(i) In the 'Principal Rules', after Sub Rule (a) of 210, the following new Sub Rule (aa) shall be inserted as follows:-

"(aa). The country liquor when required to be sold in Tripura, in sealed and capsuled containers shall not be sold except in 600 ml and 300 ml. volume."

(ii) In the 'Principal Rules', after Sub Rule (c) of Rule 210, the following new Sub Rule (ca) shall be inserted as follows:

"(ca).**Rates of Country Liquor**: The holder of a licence for the sale of country liquor shall take approval of the cost price of the country liquor time to time from the Government through the Excise Commissioner"

16. Amendment of Rule 221 :-

In the 'Principal Rules', for the existing Rule 221, shall be substituted with the following:-

"221(1). Only pure filtered water shall be used for the purpose of reduction of foreign liquor from a higher to lower strength.

(2). Demineralised water or other better category of water as prescribed time to time by the Government shall be used for the purpose of reduction of foreign liquor or country spirit from a higher strength to a lower strength."

17. Insertion of Rule 226A:-

In the 'Principal Rules', after Rule 226, the following new Rule 226A shall be inserted as follows:-

"226A. In a bonded warehouse attached to the manufacturing unit the licensee shall supply one 600 ml bottle of each batch free of cost to the Excise Officer-in-charge for analytical examination and declaration of true strength and obscuration by the Public Analyst to the Government of Tripura. No supply shall be made from the bond until the receipt of the Public Analyst's report. Samples for analytical examination shall be supplied free of cost to the Excise Officer-in-charge of the approved go-down whenever necessary."

18. Insertion of Rule 228 :-

In the 'Principal Rules', after Rule 228, the following new Rule 228A shall be inserted as follows:-

"228A. Bottles made of glass shall be packed as soon as a bottling operation is finished. Each package of country liquor shall contain 20 bottles of 600 ml each and 40 bottles of 300 ml each and the bottles in each package shall be of uniform size and shape as approved by the Excise Commissioner time to time. The Excise Officer-in-charge shall satisfy himself that the proper number of bottles are placed in each case and shall see that the packed cases are closed at once and fastened."

19. Amendment of Rule 232 :-

In the 'Principal Rules', the existing Rule 232, the following shall be substituted namely:-

" 232(1) Rules 54, 57,58,59(6), 60, 61 and 81 relating to distilleries and warehouse, shall apply mutatis mutandis to all bonded warehouses and approved go-downs for the compounding, blending and bottling of foreign liquor.

(2). Rules 54, 57, 58, 59(6),60,61 and 81 relating to distilleries and warehouse, shall apply mutatis mutandis to all bonded warehouses and approved godowns for the blending, with or without compounding, bottling, warehousing and vending of country liquor.

(3). The Rules 213 to 219, 220(2), 223(1), 224, 225, 227, 229, 230 and 231 shall apply mutatis mutandis to the blending, with or without compounding, bottling, warehousing and vending of country liquor."

By order of the Governor,

19/11/18

(Nagesh Kumar B, IAS)
Joint Secretary to the
Government of Tripura